

Fond du Lac County Adult Protective Services

The Courts can order commitment or protective services to the Social Services Department for people with some disabilities who are unable to make appropriate decisions and require the protection of society. Under Wisconsin Statutes the staff of the Adult Protective Services unit work with the court, corporation counsel, law enforcement agencies, guardians, and families to see that these persons get the care and/or treatment services needed. This and other agency service units see that services are provided in the least restrictive setting possible. Progress and continued need are periodically reviewed.

● Guardianship (Chap. 54) and Protective Placement/Services (Chap. 55)

Chapter 54 of the Statutes governs the standard and procedures for guardianship of persons who are determined to be legally incompetent due to developmental disability, serious and persistent mental illness, degenerative brain disorder, or other like incapacities. A guardian may be appointed to manage an individual's medical and personal decisions and/or financial decisions. Guardianship may be limited by the court to certain functions or may cover most of the decisions an individual must make.

Chapter 55 of the Statutes governs the protective placement / services law which focus on persons who have been declared incompetent under Ch 54 of the Statutes, and who are in need of long-term placement in a nursing care facility or other similar facility, or who are in need of services in the community. Care is to be provided in the least restrictive environment to meet the person's needs.

Referrals are made through a variety of sources. Adult Protective Services staff will help assess the need for guardianship/protective placement or services and assist the petitioners through the court process of obtaining guardianship for the person in need.

● Mental Health and Drug Commitments (Ch 51)

Mental health treatment is governed by Ch 51 of the Statutes, the Mental Health Act. It outlines the roles of states and counties in providing services, the procedures for voluntary admissions to inpatient facilities, the standards and procedures for civil (involuntary) commitments, and the rights of persons receiving mental health care. This act focuses on protecting individual rights and liberties, favoring voluntary over involuntary treatment in the least restrictive environment that meets the person's needs.

A mental health commitment can be initiated in three ways: 1) emergency detention by the police, 2) director's hold by a physician on an inpatient psychiatric unit, and 3) three-party petitions. A person determined to meet the commitment standards can be involuntarily detained at a treatment facility up to 72 hours. The five standards for involuntary commitment include: physical harm to self, physical harm to others, evidence of substantially impaired judgment, inability to satisfy basic needs (food, shelter, medical care) due to mental illness or drug dependence, and the 5th standard for mental health treatment.

● Alcohol Commitments (Ch 51.45)

An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be incapacitated by alcohol shall be placed under protective custody by a law enforcement officer, who will bring the person to a treatment facility. A person can be held involuntarily up to 72 hours excluding weekends and holidays. Again, voluntary over involuntary

treatment is favored. If involuntary treatment is determined necessary, there are four criteria that need to be present in order to pursue court ordered treatment 1) the person habitually lacks self-control as to the use of alcoholic beverages, 2) the person uses alcoholic beverages to the extent their health is impaired or endangered, 3) the person uses alcoholic beverages to the extent their social or economic functioning is disrupted, 4) the person's pattern of conduct is dangerous to themselves or others.

Elder and Adult-At-Risk Abuse

The Adult Protective Services unit is responsible for investigating reports of adult abuse, neglect, and self-neglect. The investigation begins within 24 hours of receipt, excluding weekends. Any person may report concerns of abuse, neglect, or self neglect to the **Aging and Disability Resource Center of Fond du Lac County** (920) 929-3466 or Toll Free: 1-888-435-7335. **In case of an emergency, DIAL 911.** This report may be anonymous. No person may be held civilly or criminally liable or be found guilty of unprofessional conduct for reporting in good faith.

Definitions

Adult at Risk – any adult who has a physical or mental condition that substantially impairs his or her ability to care for his/her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

Elder Adult at Risk – any person, age 60 or older, who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

Examples of Abuse and Neglect:

Physical abuse – the willful infliction of physical pain, injury, or unreasonable confinement

Sexual abuse – coercion into sexual contact against a person's will

Financial exploitation – misuse of an elder or adult-at-risk's money or property

Emotional abuse – includes demeaning statements, harassment, isolation, threats

Neglect – occurs when a caregiver's failure to provide adequate food, shelter, clothing, medical or dental care results in danger to the health of an elder or adult-at-risk in his or her care

Self-neglect – significant danger because of the inability of the elder or adult-at-risk to provide adequate food, clothing, shelter, medical or dental care.